



VILLAGE OF FOX LAKE VILLAGE BOARD MEETING MINUTES

STATE OF ILLINOIS, }
Lake and McHenry Counties, } ss.

Village of Fox Lake

At the regular Board Meeting, held in said Village and County in the State of Illinois at 6:30 p.m. on October 27, 2015 meeting was called to order by Mayor Schmit. The following official business was transacted:

Roll Call

Present Mayor Schmit: Village Clerk Warden, Attorney Teegen; Trustees: Murrey, Jensen, Stochl, Marr, Konwent and Koske.

Staff also in attendance: Anne Marrin, Stephanie Hannon, Carol Ward, Rocky Horvath, Ryan Kelly, Donovan Day, Interim Deputy Chief Kurek, PIO Sgt. Chris Covelli.

I. Preliminary Audience Comments:

There were no preliminary audience comments this evening.

II. Approval of Minutes

Trustee Marr made a ***motion*** to approve the Village Board Meeting Minutes of October 13, 2015 seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

Trustee Jensen made a ***motion*** to approve the Amended Special Village Board Meeting Minutes of October 13, 2015 seconded by Trustee Konwent.

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye

Trustee Marr *Abstain*
Trustee Koske *Aye*
Motion Carried

III. Administrator Update

Anne Marrin stated she would like to present the expenditures, warrants, and transfers for October 27, 2015. She asked if there were any questions. There were none. Anne stated if there were no questions there would be a motion to approve this evening under Finance.

Anne stated that regarding our Electrical Aggregation rates, the Village has just received our report and ComEd has come in at a lower rate for the past three months. Anne stated that it is hard to predict how the rates will increase or decrease over the winter months however we are watching it closely. Anne went on to state that Com Ed is down to 6.79 and we are at 7.28. In March the Village rate is to go down to 6.8. People can begin to jump off of and go with ComEd with no cost to them; however they would not be able to rejoin the program for another year. Anne asked direction from the Board if they would like Staff to notify the residents via the website or the newsletter about the rate changes. It was a consensus from the Board that Staff would place the information on the Village website for the residents to notify them of the current rates and options on their electric service.

Anne stated that the Village has worked very hard on the Sayton Road project which continues to move along. We have changed the letting date with IDOT and are reworking the project. Anne stated that this project started out at about \$800,000 and as they we went through the project it has expanded. The Village discovered we needed drainage correction, retention, ditching as well as the bike path that was added on and several other items that we are going to need per IDOT specs. Anne stated that the Council of Mayor's voted to switch the STP programs from a 70/30 match to an 80/20 match. That being said we are reworking our numbers and originally we around \$789,000 for our share on this project and now we are about \$420,000. Anne stated that our local match will be met through MFT funds, part of the water fund, part of the STP project and externality funds. We would like to get the most bang for our buck, so that we are not taking out lots of money from these funds. It is an important project and we are moving forward nicely and staff will continue to keep you updated.

IV. Recess to the Committee of the Whole

Trustee Konwent made a motion to recess into the Committee of the Whole Meeting at 6:35 p.m., Seconded by Trustee Marr.

A roll call vote was taken as follows:
Trustee Murrey *Aye*
Trustee Jensen *Aye*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Koske *Aye*
Motion Carried

V. Committee of the Whole

A. Finance

Trustee Stochl stated that he is looking for a motion for a revision on the "Telecommunication and Computers" for the Village of Fox Lake's Employee Personnel Manual. Anne Marrin stated that this is an update to the personnel manual for all electronics devises, keeping our emails, and what to do with social media.

Anne stated that we needed to update as it was outdated and technology has outpaced our manual. It has been reviewed by our Attorneys and liability attorneys and we are all on Board with the revisions. There were no questions from the Board.

Trustee Stochl stated that he is looking for a motion for a raffle request from the Fox Lake Chamber of Commerce in regards to a Super Raffle on Saturday, December 5, 2015 during their Annual Pasta Dinner. He asked if there were any questions. There were none.

B. Building and Zoning

Trustee Marr stated that he has nothing from Building and Zoning this evening.

C. Parks and Recreation

Trustee Koske went through the following events and programs in the Village. All events and programs can be found on the Village website at foxlake.org

Trustee Koske stated that the movie "Casper" was shown at the Fox Lake Theater this past Saturday and we had 137 participants. This movie was offered with free admission and sponsored by the Parks and Recreation Department. Thank you to all who came.

- Village Blood Drive will be held in Chambers on Friday, November 6th
- Save the Date! Saturday, November 28th The Village of Fox Lake & Korpan's Landing Illuminated Holiday Parade & Tree Lighting Ceremony
The theme for this year's parade is "A Magical Christmas."

C. Planning

Trustee Marr stated that he would be looking for a motion in regards to Special Use Neetu Gursahani, VNN Inc. d/b/a Tobacco Express. Ms. Gursahani was not originally required to have a Special Use when she first leased the space to sell tobacco and alcohol products. The owner is selling the business with a lease on the property and in order to delay a transfer once the business has sold she has applied for this Special Use. Trustee Marr asked if there were any questions from the Board. There were none.

D. Public Safety

Trustee Jensen stated he would like Howard Teegen to update the Board in regards to the Fox Lake Fire Protection District.

Howard Teegen stated that as the Board knows we have been exploring the possibility of annexing the Village territory into the Fox Lake Fire Protection District (FLFPD). Howard stated that he has spoken with the Attorney for the FLFPD and we discussed some concepts on how this procedure is supposed to work. Howard stated that it involves a filing of a petition by 1% of the registered voters in the Village. The petition is then directed to the Circuit Court and the matter gets set for a hearing before a Judge and anyone who seeks to object would have the right to object at that time. If the procedure is followed correctly and there are no objections, then the court enters an order directly that it be placed on the ballot. Howard stated that we are running tight on time to get this done for the next Election in March 2017. Howard stated that we are going to be moving forward with this and what he would like to do tonight is to pass a motion to prepare a form of petition, but then it is going to be necessary to have 1% of the voters sign this petition. Howard also stated that this is not initiated by the Village but it is initiated by the residents. Trustee Marr asked if the Board members were to circulate the petitions. Howard stated that he does not think they should and that the Village's role in this matter is to get the

petitions ready and if they have enough signatures then the Villages role would be more on the informational level, showing the advantages and disadvantages of annexation. Trustee Stochl asked if this would give the FLFPD control over the rates in regards to the Fire District. Howard stated that was correct however they have limitations on what rates they can access like the Village. They would then have to go to referendum to exceed whatever the statutory rate is. Trustee Stochl asked if this rate is negotiated though both at this time. Mayor Schmit stated that the rate is set by law and we cannot raise that levy rate. Mayor then stated that we are in a contract for them to provide fire protection and ambulance service to the Village of Fox Lake. We currently give them every penny we collect plus a subsidized amount of \$250,000 annually. Director of Finance, Stephanie Hannon stated that we take the prior year's levy and increase it by 5% which is the amount we can have without having a Public Hearing. She went on to state that some of the tax rates are unlimited and some have a max. Stephanie stated that this information will be presented to the Board at the next meeting however only two of the rates are at max. Mayor stated that he thinks the question is, if the Village annexes in would the FLFPD be able to tax us whatever they want and whenever they want and that is not the case. They could have to go to referendum for any rate increase. Howard stated that the procedures are in place for this very reason to avoid of any possibilities of double taxation. So when one lets off the other takes over and it is very clear in the case law. There was further discussion from the Board and the motion would be voted on later in the meeting.

E. Sewer and Water

Trustee Murrey stated he is looking for a motion this evening in regards to the installation of a fence at the Holiday Park Water Tower. He asked if there were any question on those items. There were none.

Trustee Murrey stated that as of October 23rd the water tower is online however it raises a question with the interconnect with Volo and staff should look into paperwork to disbanding or leaving it there at the discretion of Staff in case there are any problems. Howard stated that it was designed to remain forever and it was a symbiotic relationship on each having a backup. Trustee Murrey asked if the Village still payed for the electric for the heat on the fault box and that there is a cost to us and not a cost sharing. Howard stated that he was not sure on that but would look into the agreement.

Trustee Murrey asked if there were any questions on the SCADA Phase #2 bid. There was none.

Trustee Murrey suggested to the Board to read over in detail the Joint Policy meeting between the tech and the policy people in regards to the Sewer Advisory committee.

F. Streets

Trustee Konwent stated that she did not have anything to report this evening. Trustee Murrey stated that there is a street discussion that was brought up at the 11th hour. Anne stated that this is regarding the Hawthorn project. We are under budget by about \$20,000 and they have now entered into the contract that they are pass their due date and getting charged \$1,000 per day. The original project was only going to replace and resurface the roadway that they were going to tear up. We now have an opportunity to resurfacing the entire roadway (curb to curb) and it would cost the Village \$30,000. Anne then stated that we are \$20,000 under budget so for an extra \$13,000 we could have the entire road resurfaced. There was discussion amongst the

Board and staff regarding funding, aesthetics and future infrastructure plans for that roadway. The Board then gave consensus to move forward to resurfacing the road.

VI. Motion to adjourn from Committee of the Whole and Reconvene Village Board Meeting

*Trustee Jensen made a **motion** to adjourn from the Committee of the Whole and reconvene the Village Board Meeting at 7:00 p.m., Seconded by Trustee Konwent.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

VII. Motions for Approval

• Finance

*Trustee Stochl made a **motion** to approve the total Expenditures of \$375,127.02, 10/23/15 Payroll of \$234,189.57, Externality Fee \$0, BMO Harris Bond Payment \$97,344.41 and Police Pension payments of \$53,342.32; Dated October 27, 2015 in the total amount of \$760,003.32, Seconded by Trustee Konwent.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

*Trustee Stochl made a **motion** to approve Revised Telecommunications and Computers Policy for the Village of Fox Lake's Employee Personnel Manual, Seconded by Trustee Koske.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
<i>Trustee Jensen</i>	<i>Aye</i>
<i>Trustee Stochl</i>	<i>Aye</i>
<i>Trustee Konwent</i>	<i>Aye</i>
<i>Trustee Marr</i>	<i>Aye</i>
<i>Trustee Koske</i>	<i>Aye</i>

Motion Carried

*Trustee Stochl made a **motion** to approve the Fox Lake Chamber of Commerce Super Raffle Request on December 5th at the Lakefront Park and to waive the requirement for the Raffle in accordance to the Municipal Code, Seconded by Trustee Marr.*

A roll call vote was taken as follows:

<i>Trustee Murrey</i>	<i>Aye</i>
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Trustee Jensen *Aye*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Koske *Aye*
Motion Carried

Planning

*Trustee Marr made a **motion** to approve to the Plan Commission Recommendation regarding the petition of Neetu Gursahani, VNN Inc., requesting a Special Use to allow a convenience store with liquor sales on the property located at 1 S. Route 12, PIN 05-09-200-028, in accordance with the Section 9-1-6-10, items 1-6, of the Zoning Ordinance, and authorize the attorney to prepare the necessary Ordinance, Seconded by Trustee Murrey.*

Trustee Stochl asked if Special Use goes to the individual and not the business. Trustee Marr stated that not always and nothing came out of Planning that stated that one or the other. Mayor Schmit stated that when the owners purchased the store they were not required to have a Special Use. Trustee Stochl asked the questions that comes about is the fact because it is coming with new ownership and just because we are giving this Special Use under this owner that would mean the new owner would have to come in to receive a Special Use. Trustee Marr then stated that when it does come under new ownership they will have to come in for a transfer of the Special Use only. There were no further questions.

A roll call vote was taken as follows:

Trustee Murrey *Aye*
Trustee Jensen *Aye*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Koske *Aye*
Motion Carried

Public Safety

*Trustee Jensen made a **motion** to authorize the Attorney to explore the procedure and prepare documents by which Village residents can petition for a ballot question of whether to annex the territory of the Village of Fox Lake into the Fox Lake Fire Protection District, Seconded by Trustee Konwent.*

A roll call vote was taken as follows:

Trustee Murrey *Aye*
Trustee Jensen *Aye*
Trustee Stochl *Aye*
Trustee Konwent *Aye*
Trustee Marr *Aye*
Trustee Koske *Aye*
Motion Carried

• **Sewer and Water**

*Trustee Murrey made a **motion** to waive the bid for the installation of the fence at Holiday Park Water Tower, Seconded by Trustee Marr.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

*Trustee Murrey made a **motion** to approve the Proposal from Meier's Fence Company to install the fence at the Holiday Park Water Tower Site, 27240 West Nippersink Road for an amount not to exceed \$21,900.00 with the contractor to provide a Certificate of Liability Insurance, comply with the Village's Prevailing Wage Ordinance, and authorize the Village Attorney to prepare the necessary Resolution, Seconded by Trustee Koske.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

*Trustee Murrey made a **motion** to award the bid to Automatic Systems Company, in the amount of \$424,000.00 to construct the Phase #2 SCADA (Site Control and Data Acquisition) Project for the Local Water and Sewer Department and authorize the Village Attorney to prepare the necessary Resolution, Seconded by Trustee Konwent.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

VII. Items to be Removed from the Consent Agenda

VIII. Consent Agenda

*Trustee Jensen made a **motion** to move that items A through D to be established as the Consent Agenda for this meeting by unanimous vote, seconded by Trustee Konwent.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

Trustee Konwent made a motion that the consent agenda as established by the prior motion be passed, seconded by Trustee Jensen.

A roll call vote was taken as follows:

Trustee Murrey Aye

Trustee Jensen Aye

Trustee Stochl Aye

Trustee Konwent Aye

Trustee Marr Aye

Trustee Koske Aye

Motion Carried

IX. Items removed for the Consent Agenda

X. Attorney Comments

Howard Teegen stated that he has been approached by a resident to disconnect from our Sewer and Water due to issue of garbage pick-up with Waste Management. Howard stated that this resident is the only resident in that neighborhood that is in the Village and when there is a “temp” Waste Management driver he does not receive service and this has been ongoing for years. There was then discussion with the Board and staff on the situation and the Board gave the Attorney the authorization to look further into this request for annexation.

XI. President’s Comments

Mayor Schmit stated that the Village lost Ted Beskow this past week. Ted had been a Police Officer and had served the Village for over 60 years at many capacities. Mayor Schmit stated that he was an advisor to him, the Fox Lake town Historian and he will deeply missed by many.

Mayor Schmit stated that we have around 700 vehicles sticker that have not been purchased. Mayor stated that Stephanie had asked direction on this matter and do we want to pursue these people who have not yet purchased the stickers. There was a consensus from the Board to have Stephanie move forward in pursuing these people.

Mayor Schmit stated that he has received word from the developer on the Sayles property, that their hotel study has been completed. Mayor stated that it looks like the site is qualified for a 100 room hotel and other amenities to the property. Mayor stated that the developer is contacting several hotel chains at this time and has high hopes for the project.

Mayor Schmit stated that since the Village has had to postpone the Town Hall meeting he has been attending local HOA’s on updates regarding the Village. Mayor Schmit stated that many of the meetings have been well received as well as their complaints. Mayor Schmit also advised them on the upcoming referendum for a 1 % Sales tax increase and on what sales the tax would affect. Mayor stated that he will continue to visit these organizations until another Town Hall meeting can be scheduled.

XII. Audience Comments

There were no comments from the audience this evening.

XIII. Executive Session

Trustee Koske made a motion to retire into Executive Session at 7:57 p.m. for Personnel and Threatened Litigation to include Anne Marrin Village Administrator, Deputy Clerk,

Carol Ward, PIO Sgt. Chris Covelli, Deputy Chief Scott Kurek, and Village Attorney Howard Teegen, Seconded by Trustee Konwent.

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

XIV. Reconvene the Village Board Meeting

*Trustee Koske made a **motion** to reconvene the Village Board Meeting at 7:56 p.m., seconded by Trustee Konwent.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

XV. Adjournment

*Trustee Stochl made a **motion** to adjourn the Village Board Meeting at 7:57 p.m., seconded by Trustee Koske.*

A roll call vote was taken as follows:

Trustee Murrey Aye
Trustee Jensen Aye
Trustee Stochl Aye
Trustee Konwent Aye
Trustee Marr Aye
Trustee Koske Aye

Motion Carried

Meeting was adjourned at 7:57 p.m.

Niki Warden, Village Clerk

Consent Agenda

- A. A motion to approve Resolution 2015-R-35, A Resolution Authorizing the Mayor and Village Clerk of the Village of Fox Lake, to Sign and thereby Accept the Proposal from Copenhaver Construction, Inc. for the North Water System Wells 1 / 2 Piping Improvements Project.**
- B. A motion to approve Ordinance 2015-48, An Ordinance Authorizing the Sale of Certain Property Owned by the Village of Fox Lake, at Public Online Auction to be conducted by the Obenauf Auction Service, Inc.**
- C. A motion ratifying the appointment of Kalee Bowman as 911 Board Member.**
- D. A motion to approve Resolution 2015-R-36, A Resolution Authorizing the Mayor of the Village of Fox Lake, to Sign and Thereby Inc. for a Mobil Payment for Parking Program in the Village.**